vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1367 OF 2007
IN
WRIT PETITION NO.979 OF 1994

M/s.Gokul Gas Pvt. ltd. ... Applicant

V/s.

Life Insurance Corporation
of India & ors. ... Respondents

Mr.M.D. Angal for Applicant
Mr.V.Y. Sanglikar for Respondent No.1
Ms.Arati Jumani i/b M/s.Rustomji Ginwala for Petitioner

CORAM: **J.N. PATEL &**
SMT.NISHITA MHATRE, J.

DATED: **NOVEMBER 23, 2007**

P.C.:

. Heard. This is an application by the original Respondent No.4 who seeks deletion of the name of Respondent No.6 and to be transposed himself as the Petitioner.

2. It is objected to by Respondent No.1 herein on the ground that the applicant-original Respondent No.4 having been handed over possession by Respondent No.6, the petition does not survive and, therefore, such application should not be allowed for the reason that no right is spelt out and the applicant-Respondent NO.4 has filed an independent petition agitating their rights. The application has been made by Respondent No.4 as they

were informed of the same by the petitioner and they were also intimated that they are interested in pursuing the above writ petition when transposed as petitioners in place of the Corporation. Therefore, whatever right Respondent No.4 may have in the premises can be agitated by them independent of their petition which pertains to different portions of the same premises, if at all Respondent NO.1 has any objection as to the maintainability of the petition or relating to the right of Respondent No.4 to prosecute the petition in question.

3. The respondent is at liberty to amend its return raising necessary issues as regards maintainability of the petition as to the right of Respondent No.4 to prosecute the writ petition after original petitioner respondent has withdrawn from the petition which can be considered on merits.

4. Therefore, the application is allowed in terms of prayer clause (a). Amendments to be carried out within two weeks.

(J.N. PATEL, J.)

(SMT.NISHITA MHATRE, J.)